

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JOSEPH BIRCH,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-799-JJF
	:	
E.I. DUPONT DE NEMOURS & CO.,	:	
INC.,	:	
	:	
Defendant.	:	

O R D E R

At Wilmington this 24 day of January, 2006, Plaintiff having satisfied the filing prerequisites of 28 U.S.C. § 1915;

IT IS HEREBY ORDERED that:

1. The Clerk shall cause a copy of this Order to be mailed to Plaintiff.

2. Pursuant to Fed. R. Civ. P. 4(c)(2) and (d)(2), Plaintiff shall complete and return to the Clerk of the Court an original "U.S. Marshal 285" form for the Defendant.

Additionally, Plaintiff shall provide the Court with one copy of the Complaint (D.I. 2) for service upon the Defendant. Further, Plaintiff is notified that the United States Marshal will not serve the complaint until the "U.S. Marshal 285" form has been received by the Clerk of the Court. Failure to provide the "U.S. Marshal 285" form within 120 days of this order may result in the complaint being dismissed or Defendant being dismissed pursuant to Federal Rule of Civil Procedure 4(m).

3. Upon receipt of the form required by paragraph 4 above, the United States Marshal shall forthwith serve a copy of the Complaint (D.I. 2), this Order, a "Notice of Lawsuit" form, the filing fee order, and a "Return of Waiver" form upon the Defendant identified in the 285 form.


4. Within **thirty (30) days** from the date that the "Notice of Lawsuit" and "Return of Waiver" forms are sent, if an executed "Waiver of Service of Summons" form has not been received from a Defendant, the United States Marshal shall personally serve said Defendant pursuant to Fed. R. Civ. P. 4(c)(2) and said Defendant shall be required to bear the cost related to such service, unless good cause is shown for failure to sign and return the waiver.

5. Pursuant to Fed. R. Civ. P. 4(d)(3), a Defendant who, before being served with process timely returns a waiver as requested, is required to answer or otherwise respond to the complaint within **sixty (60) days** from the date upon which the complaint, this order, the "Notice of Lawsuit" form, and the "Return of Waiver" form are sent. If a Defendant responds by way of a motion, said motion shall be accompanied by a brief or a memorandum of points and authorities and any supporting affidavits.

6. No communication, including pleadings, briefs, statements of position, etc., will be considered by the Court in this civil action unless the documents reflect proof of service

upon the parties or their counsel. The Clerk is instructed not to accept any such document unless accompanied by proof of service.

January 24, 2006  
DATE

  
UNITED STATES DISTRICT JUDGE